

**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 19, 1996
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Administrative Assistant to City Manager Evans, Public Works Director Ronsko, Community Development Director Bartlam, Finance Director McAthie, Electric Utility Director Vallow, Librarian Andrade, Deputy City Attorney Luebberke and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Bill Crabtree, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a proclamation to the winners of the Targeted Opportunities to Prevent Pollution in San Joaquin County (TOPPS) Award for Environmental Excellence. The winners were California Waste, represented by Jack Fiori, and the Lodi Industrial Group with the Chamber of Commerce, represented by Joe Bagley.
FILE NO. CC-22(b) AND CC-37
 - b) The City Council heard a report on the Lodi-Tokay Rotary Club's upcoming Fourth of July Celebration at Lodi Lake Park. Dorean Rice urged people to bring their picnic baskets and spend the day at the lake. The day will start with the Kiwanis pancake breakfast and will continue with entertainment and activities. Among some of the activities: music throughout the day, face painting, free paddle boats, swimming, beach games, motorized miniature boats, sand castle building, street rod show, kareoke, magician, water show, and a fortune teller. The day will end with the grand finale fireworks show. Admittance is \$4 for adults, \$2 for children ages 6 - 16 and \$2 for seniors. Scott Dasko recognized the sponsors including Bank of Lodi, F&M Bank, Bank of Stockton, PCP, Plummer Pontiac, Elsworth Street Rod, Capital Thrift, PG&E, Applebee's, Anheuser Busch, and Ben Franklin Crafts. Mr. Dasko presented the biggest sponsor, the City of Lodi, with free tickets to the event. Bob Casalegno announced that T-shirts are on sale at Squires, Pret, Chelseys Clothes, Longs Drug Stores (both locations), Image 2,000 and Lakewood Drugs. The price is \$12.50/adult sizes and \$8/children sizes.
FILE NO. CC-6
 - c) Mr. C.M. 'Bud' Sullivan, retiring from the Lodi Library Board of Trustees after serving for 27 years, was recognized for his dedication to the Lodi community. Mayor Warner presented Mr. Sullivan with a proclamation from the City of Lodi and a proclamation on behalf of Governor Pete Wilson. Mr. Sullivan also received proclamations from Senator Pat Johnston, Rod Miller representing Assemblyman Larry Bowler, and County Supervisor George Barber. Mr. Sullivan recognized the City Council, City staff, Library Board, Librarian Andrade and Library staff, Friends of the Library, Mr. Barber, Mr. Bowler and Mr. Johnston. He further stated the City has been very good to the Library, that it has been an honor and a pleasure to serve the citizens of Lodi.
FILE NO. CC-2(d)
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Sieglock, Mann second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of 3,674,822.61.
FILE NO. CC-21(a)
- b) The Minutes of June 5, 1996 (Regular Meeting) were approved as written.
- c) Received report of sale of scrap metal.
FILE NO. CC-20 AND CC-47
- d) Approved the plans and specifications for bids for White Slough Water Pollution Control Facility Holding Pond No. 3 embankment rehabilitation, 12751 North Thornton Road and authorized advertising for bids.
FILE NO. CC-12.1(c)
- e) Approved the plans and specifications for bids for traffic signal installation, Lower Sacramento Road and Vine Street and authorized advertising for bids.
FILE NO. CC-12.1(c)
- f) Adopted Resolution No. 96-72 awarding the purchase of one walk-behind trencher to the low bidder, Ditch Witch Equipment Company of West Sacramento, in the amount of \$6,254.89.
FILE NO. CC-12(d) AND CC-300
- g) Agenda item #E-7 entitled, "Purchase of Procurement Software for Finance Department's Purchasing Division" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- h) Adopted Resolution No. 96-74 awarding all three items of the contract for asphalt materials for fiscal year 1996/97 as follows, and appropriated funds in accordance with staff recommendation:

Item A	1,500 Tons/FOB Plant	Granit Construction	Stockton	\$37,980
Item B	150 Tons/Stockpile City Limits	American River Asphalt	Folsom	\$ 4,690
Item C	2000 Tons/Hopper of Paver	F.T.G. Construction	Lodi	\$64,320

FILE NO. CC-12(d) AND CC-300
- i) Adopted Resolution No. 96-75 awarding all three items of the contract for rock and sand material for fiscal year 1996/97 as follows, and appropriated funds in accordance with staff recommendation:

Item 1	100 Tons/Aggregate Base	F.T.G. Construction	Lodi	\$ 970
Item 2	300 Tons/Concrete Sand	F.T.G. Construction	Lodi	\$ 3,234
Item 3	250 Tons/Crushed Rock	Granite Construction	Stockton	\$ 3,972

FILE NO. CC-12(d) AND CC-300
- j) Adopted Resolution No. 96-76 awarding the contract for Cluff Avenue and Ham Lane street overlays to Teichert Construction, of Stockton, in the amount of \$145,083.00, and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(a)

- k) Agenda item #E-11 entitled, "Contract award for 1996 Handicap Ramp Retrofit Project - various locations" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
 - l) Accepted the improvements under the "Traffic Signal Modifications and Repairs, Cherokee Lane and Lodi Avenue, Cherokee Lane and Victor Road, North Lower Sacramento Road and Turner Road, and Lodi Avenue and Central Avenue" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office. FILE NO. CC-90
 - m) Adopted Resolution No. 96-78 approving the installation of 52 feet of no-parking zone on Donner Drive west of Calaveras Street, adjacent to Lawrence School, and further the passenger-loading zone will be installed on Calaveras Street which does not require Council action per LMC Section 10.44.150. FILE NO. CC-48(d), CC-48(e) AND CC-300
 - n) Agenda item #E-14 entitled, "Agreement between San Joaquin County Data Processing and the City of Lodi Police Department" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
 - o) Appointed John L. Stone, Manager-Rates and Resources, to the Transmission Agency of Northern California (TANC). FILE NO. CC-7(s)
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6. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Mann second, unanimously adopted Resolution No. 96-73 awarding the purchase of procurement software, designed specifically for public agency purchasing, from Advanced Procurement Systems of Austin, Texas, in the amount of \$18,011.50. FILE NO. CC-12(d) AND CC-300
- b) The City Council, on motion of Mayor Warner, Sieglock second, unanimously adopted Resolution No. 96-77 awarding the contract for 1996 Handicap Ramp Retrofit Project - various locations to Popuch Concrete Contracting, of Lodi, in the amount of \$48,275, and appropriated funds in accordance with staff recommendation. FILE NO. CC-12(a) AND CC-300
- c) The City Council, on motion of Council Member Mann, Pennino second, unanimously adopted Resolution No. 96-79 granting permission to Lodi Police Department to enter into an agreement with San Joaquin County Data Processing Division for fiscal year 1996/97 to provide data processing services and access to Automated Message Switching/CJIS Systems. FILE NO. CC-90 AND CC-152

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to consider San Joaquin County Integrated Solid Waste Management Summary Plan and Countywide Siting Element.

Hearing Opened to the Public

1. Tom Horton, Director, San Joaquin County Solid Waste Division, provided a report on the subject matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously adopted Resolution No. 96-80 approving the San Joaquin County Integrated Solid Waste Management Summary Plan and Countywide Siting Element.
FILE NO. CC-22(b), CC-54 AND CC-300

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to review Cost Report of weed abatement.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 96-81 confirming the cost of weed abatement and providing for collection through the San Joaquin County Auditor's office.
FILE NO. CC-24(b) AND CC-300

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Warner called for the Public Hearing to consider the following:

1. The request of Plummer Pontiac, 1011 South Cherokee Lane, for a General Plan Amendment and rezone of the rear .57 acre portion of the 3.45 acre parcel from ER, Eastside Residential to GC, General Commercial and rezone of the property from R-1*, Single-Family, Eastside to C-2, General Commercial to allow for construction of a 4,800 square foot body/paint shop on the newly-zoned property;
AND
2. Appeal by Robert J. Fisher of Use Permit U-96-01, a request of Plummer Pontiac, to construct an automobile body and paint facility in an area zoned C-2, General Commercial.

Hearing Opened to the Public

1. Dennis Plummer, 1562 Edgewood Drive, Lodi, spoke in support of approving the subject request. He has been meeting with the neighbors to resolve some of the issues and concerns. This property has been misused for years and was never zoned in the proper manner. He has agreed to the conditions from the City and is working with the neighbors so that it is a good neighborhood program. This project is engineered properly with a masonry wall between the neighbors and the subject property and it should reduce the noise. He has instructed his employees to not use the exit in question. In addition to the masonry wall, the building will be insulated and sheet rocked;

2. Robert Fisher, 440 Mission Street, Lodi, spoke against the request and outlined his concerns which were expressed in his appeal. The neighbors did meet with Plummer Pontiac representatives last night and discussed the issues and concerns. Closing the gate will resolve part of the issue; however, the employees coming out of the driveway will need to be resolved. Mr. Fisher questioned why there weren't two driveways exiting on to Cherokee Lane. He is also concerned that the entire east side may go commercial. Who will be responsible for the maintenance of the proposed landscaping? Mr. Fisher also questioned what the existing drains will be used for and will solvents from the business get in to the residential drains. What will happen to his property value as more commercial creeps in? Mr. Fisher would like to see a good sound wall, landscaping and cooperation and communication between Plummer Pontiac and the neighbors, which is starting to happen;
3. Virginia Snyder, 303 Louie Avenue, Lodi, commented that she is interested in neighborhood preservation and in business improvement; however, she is concerned about the sound wall which is not attractive and will attract graffiti. Perhaps those involved can agree upon a more decorative wall, instead of a concrete block wall. Community Development Director Bartlam informed Ms. Snyder that one of the conditions placed by the Planning Commission requires that the wall be decorative in nature;
4. Colleen Dixon, 333 Hilborn, Lodi, agrees that she would like to see businesses expand, however, the residential zone should not be changed to commercial. The East Side Improvement Committee recently requested downzoning the properties on Lodi Avenue and Pine Street which was not approved by the City Council. The City will be spending several million dollars on the Revitalization Project, but there is a mess in between the areas. Rezoning these residential properties to commercial will cause further deterioration from the outskirts to the core, there will be further development where the big box retailers are, and it will make our Revitalization Project useless. This will not preserve the integrity of the neighborhoods, and it will desecrate the entry into the downtown. Please delay a decision on this to arrive at a better solution; and
5. Robert Haro, 929 South Cherokee Lane, Lodi, urged that the City Council leave it like it is, because there is no guarantee that this plan will make things better or worse. It works fine as a parking lot, and the body shop will not work there. The chain link fence should have been maintained and landscaped. Mr. Plummer was not even at his meeting last night, and almost always has a middle man. Mr. Haro urged Council to put this matter off for 6 months to a year to see if a better solution can be reached.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Warner second, unanimously took the following actions:

- Introduced Ordinance No. 1634 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating the Rear .57 Acre Portion of the 3.45 Acre Parcel Located at 1011 South Cherokee Lane, From ER, Eastside Residential to GC, General Commercial"; and
- Introduced Ordinance No. 1635 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Rear .57 Acre Portion of the 3.45 Acre Parcel Located at 1011 South Cherokee Lane From R-1*, Single-Family, Eastside to C-2, General Commercial".

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Further, the City Council, on motion of Council Member Pennino, Sieglock second, unanimously denied the appeal by Robert Fisher and adopted Resolution No. 96-82 entitled, "A Resolution of the Lodi City Council Approving the Issuance of Use Permit No. U-96-01 Requested by Plummer Pontiac to Construct an Automobile Body and Paint Facility, Subject to the Conditions as Set Forth in Planning Commission Resolution No. 96-2".

FILE NO. CC-35(a), CC-53(a) AND CC-53(b)

8. RECESS

Mayor Warner called for a ten-minute recess and the City Council meeting reconvened at approximately 9:15 p.m.

9. COMMUNICATIONS (CITY CLERK)

a) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Mann second, unanimously rejected the following claims:

1. Brandon Alt, date of loss 5/21/96
2. Alice Bierl, date of loss 4/9/96
3. Omer Coulter, date of loss 5/24/96
4. James Densmore, date of loss 5/1/96
5. Laura Mayer, date of loss 1/4/96
6. Jerry Mazzini, date of loss 1/4/96
7. Joiee Ochoa, date of loss 2/17/96
8. Tim Saulsbury, date of loss 2/14/96
FILE NO. CC-4(c)

b) City Clerk Perrin read the following ABC Licenses:

1. Gilt Edge, Inc. to Ronald E. Anderson, Legends, 27 West Elm Street, Lodi, On-Sale General Public Premises, Person to Person Transfer; and
2. Mohinder Singh to Cheryl and John Rau, Lakewood Liquors, 215 Lakewood Mall, Lodi, Off-Sale General, Person to Person Transfer.
FILE NO. CC-7(f)

10. REGULAR CALENDAR

a) The City Council, on motion of Council Member Mann, Pennino second, unanimously approved the recommended economic development incentives for Cherry Producers, Inc., 1122 Industrial Way, and charged staff to confirm the direction with the necessary documentation (i.e., resolution or ordinance).

Speaking on the matter were the following person:

1. Ernie Podesta, President, Cherry Producers, Inc., Stockton, answered questions raised by the City Council. The company is moving because of the need to expand the facility. It is a seasonal business; however, it has been operating about 12 months out of the year. This expansion will also allow for the adding of additional employees; and
 2. Mahlon Lott, Cherry Producers, Inc., Lodi, also answered questions from City Council. The company should have no major impact on the effluent.
FILE NO. CC-90 AND CC-400
- b) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-83 authorizing the Electric Utility Director to approve the Economic Development Power Supply Contract between Cherry Producers, Inc. and the City of Lodi.
FILE NO. CC-51(d), CC-90 AND CC-400
- c) The City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the economic development incentives for Apache Plastics, L.P., and charged staff to confirm the direction with the necessary documentation (i.e., resolution or ordinance).

Speaking on the matter was the following person:

1. Lawrence Beasley, President, Apache Plastics, Alamo, answered questions raised by the City Council. The escrow could close on July 18, 1996, but it could take 6 months to one year to begin operating at full capacity. They are closing the Stockton plant.
FILE NO. CC-90 AND CC-400
- d) (Council Member Pennino had a conflict of interest, and, therefore, abstained from discussion and voting on the following matter.)

The City Council, on motion of Council Member Sieglock, Mann second, adopted Resolution No. 96-84 authorizing the Electric Utility Director to approve the Economic Development Power Supply Contract between Apache Plastics, L.P. and the City of Lodi (with minor language change in the agreement relating to extending and terminating the contract) by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Pennino

FILE NO. CC-51(d), CC-90 AND CC-400

11. RECESS

Mayor Warner called for a five-minute recess and the City Council meeting reconvened at approximately 10:25 p.m.

12. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-85 authorizing the Electric Utility Director to approve the Rate Agreement between Hy-Grade Glass, Inc. and the City of Lodi.
FILE NO. CC-51(d), CC-90 AND CC-400
- b) The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 96-86 adopting the 1996/97 Operating and Capital Improvement Budget.
FILE NO. CC-21(b) AND CC-300

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

15. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Reminded everyone to be ever mindful of gangs; 2) Still concerned about the overtime and would like to see monthly overtime reports for each department; 3) Would like to see monthly reports on Department Heads' expenses and time away from the office; 4) Received brochure from PG&E with interesting thoughts about where PG&E is now and what their growth will be in the future; and 5) Informed the public that a copy of the San Joaquin County Integrated Solid Waste Management Summary Plan and Countywide Siting Element is in the Library and the City Clerk's office. It contains interesting facts about refuse and hazardous waste.
FILE NO. CC-34
- b) Council Member Pennino thanked the Public Works Department for cleaning up West Lane, which he has been mentioning over the last few meetings. Mr. Pennino also reminded City Manager Flynn that he still has not seen a time line on the Revitalization Project. This is a critical project and staff needs to get it going.
FILE NO. CC-72
- c) Mayor Warner informed the public that he recently attended the American Public Power Association (APPA) conference. It was interesting and dealt with restructuring. California is leading the way and it looks like, based on this evening's meeting, Lodi is leading California.
FILE NO. CC-7(l) AND CC-51(d)

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- d) Council Member Mann concurred with Mayor Warner wholeheartedly that California, and Lodi through Northern California Power Agency (NCPA) and retail wheeling, is leading is the restructuring. The new proposed date is 1998 when it will be industrial and maybe commercial. Lodi is diligently working with NCPA and other people to help formulate this restructuring. In regards to the Revitalization Project, the wheels are moving; however, most people cannot see it. Mr. Mann suggested City staff meet with the Lodi Downtown Business Association (LDBA) to paint signs downtown and on Cherokee Lane to announce that revitalization is on its way. The signs should also give an anticipated date so people will know the issue is alive and continuing.
FILE NO. CC-7(j), CC-7(l) AND CC-51(d)
- e) Council Member Sieglock also attended the APPA conference. Mr. Sieglock returned with an idea to put together a Home Page for information on what Lodi is doing with its electric utility and to educate our residential population and industrial customers about programs and how people can save money as customers. Another session Mr. Sieglock attended recommended that whenever City streets are trenched, fiber optic conduit should be installed. By doing so now, it would be cheaper and it could be leased out to private enterprise. Council Member Sieglock would like to see all trenches dug from this day forward be laid with fiber optic conduit. Also, it was interesting that the security was very tight at the conference this year compared to in the past. There is obvious competitiveness and people are holding their information much more closely.
FILE NO. CC-7(l) AND CC-51(d)
- f) City Manager Flynn announced that the City Council agendas and minutes are now on the Home Page. More information will be added in the near future. Mr. Flynn also announced that there were three retirements from the City this month. Al Thurman who worked in the Electric Utility Department for 30 years and Barbara Daijogo and Shirley Adolf who worked in the Finance Department for approximately 30 years. Further, Mr. Flynn reviewed the Shirtsleeve Session schedule with the City Council. Council will be discussing the Lodi Electric Assistance Program (LEAP) on June 25; budget policy review on July 2; Hutchins Street Square (size and scope of the project) on July 9; Hutchins Street Square (financing arrangements) on July 23; and continued discussion regarding Hutchins Street Square on July 30.
- g) Council Member Mann agreed that the City of Lodi should put information regarding electric utilities on the Home Page. Soon the agendas and minutes from all boards and commission meetings will be on-line. More people are becoming internet literate. In one month the City's Home Page has had approximately 2,000 "hits". Council Member Mann thanked Finance Director McAthie for helping to get this done.

12. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 10:47 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk